

Notice of Proposed Action

The Administrator of the Motor Vehicle Administration proposes to amend Regulations **.02**, **.07**, **.10** and **.13** and repeal Regulations **.04** and **.06** under **11.11.02 – Administrative Hearings**.

Statement of Purpose

The purpose of this action is to eliminate outdated and repetitive regulatory requirements to make the regulations consistent with current practices. Also, this action streamlines and simplifies the appeal process, fee impositions and other related administrative tasks at both the Motor Vehicle Administration (MVA) and the Office of Administrative Hearings (OAH).

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

Chapter 02 Administrative Hearings

Authority: Transportation Article, §§12-104(b) and (e), 12-108, and 12-201—12-209; State Government Article, §§10-201—10-222; Annotated Code of Maryland
Ch. 14, Acts of 2004

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (4) (text unchanged)

[(5) "Designee" means the Deputy Administrator, an Associate Administrator, or any other executive staff member designated by the Administrator.]

[(6)] (5) — [(7)] (6) (text unchanged)

[(8) "Trier of fact" means the person responsible for conducting the hearing and for accepting evidence and testimony from the parties.]

.07 Delegation of Hearing Authority.

A. Pursuant to State Government Article, §10-205, and Transportation Article, §12-104, Annotated Code of Maryland, the Administrator delegates authority to hear contested administrative hearings *and issue final orders* to certain administrative law judges appointed by the Office of Administrative Hearings.

B. *Unless specifically provided elsewhere in Transportation Article, Annotated Code of Maryland, or other Motor Vehicle regulations, administrative hearing procedures shall be in accordance with the procedures in COMAR 28.02.01.*

.10 Evidence.

[A.] — [F.] (proposed for repeal)

[G.] A. — [H.] B. (text unchanged)

.13 Cost of Transcript.

Testimony presented at any hearing may be transcribed. However, a party requesting a transcript prepared by the Administration shall pay for its cost [at a rate of \$2 per page]. A party requesting a transcript prepared by a private stenographic service shall pay whatever cost is assessed by the private service.

JOHN T. KUO

Administrator

Motor Vehicle Administration